

Summary and Comparison of Major Legislation Impacting a Commercial Driver License (CDL)

Item Impacted	Original CDL Act 1991	Motor Carrier Safety Improvement Act (MCSIA) Effective September 30, 2005	Patriot Act Effective December 1, 2004
Effect on License	The Act, effective 12/20/89, established a classified driver license system and implemented the Federal Commercial Motor Vehicle Safety Act of 1986. Its intent was to: <ul style="list-style-type: none"> • Reduce/prevent commercial motor vehicle accidents and injuries. • Improve driver quality. • Remove problem drivers from the road. • Ensure each driver held only one license. 	A CDL occupational license cannot be issued after 9/30/05.	No “H” endorsement issued after January 31, 2005 until: <ul style="list-style-type: none"> • TSA completes security assessment, including background check and fingerprinting. • Driver required to provide proof of U.S. citizenship or lawful permanent residence. • Driver required to surrender “H” endorsement if he/she has been convicted of a crime or felony that poses a security threat.
License Period	CDL license and endorsements expired every 4 years. In 1998, it increased to 8 years.		Hazardous materials endorsement is valid up to 5 years. NOTE: Current Wisconsin “H” endorsements are valid for up to 8 years. Effective January 31, 2005 an “H” endorsement will not be valid for more than 5 years.
Driver Requirements		Requires a driver to provide the name of states where he/she has held a license in the past 10 years.	<ul style="list-style-type: none"> • Requires the driver to provide all addresses of residence for the past 7 years. • Requires the driver to provide fingerprints for TSA background check for original and renewal of an “H” endorsement. • Requires the driver to provide proof of U.S. citizenship or lawful permanent residence for original and renewal of an “H” endorsement.
Testing	<ul style="list-style-type: none"> • Required testing in the type of vehicle that would be operated. • Added new license eligibility (e.g. federal medical certification.) • Established new restrictions (e.g. vehicle not equipped with air brakes.) 		No change in testing requirements.
License Denial	Required DMV to deny license issuance for specific convictions, suspensions, revocations, disqualifications, etc.	Requires certain offenses in non-CMV's to result in ineligibility for a CDL.	Requires DMV to deny a hazardous material endorsement when: <ul style="list-style-type: none"> • TSA notifies the state DMV the driver poses a potential threat to security. • The driver cannot provide proof of legal U.S. citizenship or alien status.
Definitions	Created a definition for hazardous materials.		Expands the definition of hazardous materials to include select agents and toxins.
Driver Self-Reporting	Required drivers to notify the DMV (self report) of traffic offenses in a CMV.		Requires drivers holding a hazardous materials endorsement to notify DMV (self report) within 24 hours of new disqualifying crimes.

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New Sanctions and Security Threat Assessment	<ul style="list-style-type: none"> Created a new license withdrawal type (called “disqualification”) and new reasons for license withdrawals for CMV drivers. Imposed longer withdrawal times if the driver was transporting hazardous materials at the time of the violation. 	Requires disqualification of the CMV license if the person is convicted of a major or serious traffic violation in a commercial or non-commercial vehicle when the conviction results in a withdrawal (suspension, revocation, etc.)	Requires cancellation or denial of a driver’s “H” endorsement if TSA determines the driver poses a security threat or is not in the U.S. legally.
Disqualifiers: Civil Criminal Felony Mental	Created a list of major traffic offenses. (See CDL Disqualifications chart for a list of major offenses.)	Adds two new major disqualifying offenses on 9/3/05: <ul style="list-style-type: none"> Driving a CMV with a disqualified, revoked, suspended or cancelled CDL. Causing a fatality through negligent operation of a CMV. 	On January 31, 2005, adds a list of criminal and mental defects that affect license eligibility. TSA uses three different timeframes when evaluating crimes or mental defects: <ul style="list-style-type: none"> 5 years 7 years Lifetime Crimes/felonies include, but are not limited to: <ul style="list-style-type: none"> Murder Extortion Terrorism Arson Robbery Smuggling Espionage Treason Mental defects are: <ul style="list-style-type: none"> Having been involuntarily committed to a mental institution. Having been found guilty by reason of insanity.
Serious Traffic Violations	Created a national list of serious traffic violations. (See CDL Disqualifications chart for a list of serious violations.)	Adds three new serious traffic violations on 9/30/05: <ul style="list-style-type: none"> Driving a CMV without a CDL. Driving a CMV without a CDL in possession. Driving a CMV without a proper CDL class or endorsement. 	
Record Keeping	Required DMV to collect and retain conviction, revocation, suspension, and disqualification information on commercial driver records for up to 55 years.	Requires full driver records. Convictions in private vehicles or CMVs must be recorded and cannot be ignored, masked or deleted.	Requires DMV to record TSA security threat assessment results.
Record Sharing	Required DMV to share with other states, the driver and his/her employer, driver record convictions, suspensions, revocations, disqualifications, etc.		Expands DMV’s sharing of driver record convictions, revocations, suspensions, disqualifications, etc. to prospective employers and the U.S. DOT.

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Federal Actions on State Drivers		<p>Allows the Federal Secretary of DOT to disqualify CDL drivers who are considered “imminent hazards” on 9/30/05. (Imminent hazard means allowing the driver to continue to drive a CMV which could result in the likelihood of death or severe injury to others on the highway.)</p> <ul style="list-style-type: none"> • If the disqualification period is for less than 30 days, a hearing is not required by the federal DOT. • If the disqualification period is for more than 30 days, a hearing is required by the federal DOT. 	<p>Allows TSA to conduct name and biographical security checks between now and January 31, 2005 on all drivers who currently hold an “H” endorsement. TSA will notify the DMV if the “H” endorsement must be cancelled as a result o/f that criminal record history.</p>
State and Federal Record Check Systems	Required DMVs to perform a national check of the Commercial Driver License Issuance System (CDLIS) and Problem Driver Pointer System (PDPS) record. These systems check the database records of all states for past license and conviction information.		Requires DMV to notify TSA via CDLIS when a driver applies for a hazardous material endorsement.
DMV Requirements		<p>Requires DMV to:</p> <ul style="list-style-type: none"> • Notify the CDL driver’s home state of convictions: <ul style="list-style-type: none"> ◦ within 30 days, by 9/30/05 ◦ within 10 days, by 9/30/08 • Within 10 days of license disqualification, notify the CDL driver’s home state of the disqualification. 	<p>Requires DMV to:</p> <ul style="list-style-type: none"> • Create a new application for an “H” endorsement. • Notify the driver of the fingerprint and U.S. residency requirement within 180 days prior to expiration of an “H” endorsement. • Require a fingerprint and TSA security threat assessment before an original issue or any renewal of an “H” endorsement. • Notify drivers who obtain an “H” endorsement prior to January 31, 2005 (which is valid for more than 5 years) of when they will need to submit to fingerprinting and a security threat assessment.

Abbreviations:

CDL Commercial Driver License
 CDLIS..... Commercial Driver License Issuance System
 CMV Commercial Motor Vehicle
 DMV Division of Motor Vehicles
 DPPA Federal Driver Privacy Protection Act
 H Hazardous Materials Endorsement
 MCSIA..... Motor Carrier Safety Improvement Act of 1999
 PDPS..... Problem Driver Pointer System
 TSA..... Transportation Security Administration